

REMARKS

Claims 1-6 and 8 were previously pending in the application. By the Amendment, Claims 1-4 and 8 are currently amended, new Claims 9 and 10 have been added, and Claims 5 and 6 remain unchanged.

The Examiner objected to the drawings because reference character 18, shown in Figs. 2 and 3, was not mentioned in the description. Applicants filed a Preliminary Amendment dated December 20, 2004 amending the specification to mention reference character 18, the second outer wall. Therefore, Applicants respectfully request this objection to the drawings be withdrawn.

The Examiner objected to the drawings under 37 CFR 1.83(a) because they fail to show at least two recesses and at least two projections. Fig. 1 illustrates an enlarged view of a recess (2) and a projection (7). Fig. 3 illustrates a cut-away view of the appliance indicating the position of the projection (7), which engages the recess as shown in Fig. 1. One of ordinary skill in the art would readily understand that the other recesses and projections are spaced around the perimeter of appliance in corresponding positions that are not shown due to the cut-away sectional drawing. The structural details of these additional recesses and projections are the same as those shown in Figs. 1 and 3. It is not essential to show these additional recesses and projections for a proper understanding of the disclosed invention. Therefore, Applicants respectfully request this objection to the drawings be withdrawn.

The Examiner rejected Claims 3 and 4 under 35 USC §112 as being indefinite. Applicants have amended the claims to clarify that the elements identified by the Examiner are separate elements. In relation to Fig. 1, the “cylindrical outer wall” is shown as reference character (1), the “radially extending wall” is shown as reference character (5), and the “recessed cylindrical wall” is shown as reference character (4).

Claims 1, 3 and 8 were rejected under 35 USC §102(b) as being anticipated by McClean (US 5,551,335). Claim 1 was rejected under 35 USC §102(b) as being anticipated by Lapps (US 2,482,848). Claim 1 was rejected under 35 USC §102(b) as being anticipated by Barradas (US 5,289,760). Claims 2 and 6 were rejected under 35 USC §103(a) as being unpatentable over Barradas (US 5,289,760). Claim 5 was rejected

under 35 USC §103(a) as being unpatentable over Lapps in view of Truitt (US 2,138,716).

Independent Claim 1 recites a motorized kitchen appliance, comprising: a housing having a cylindrical outer wall with at least two recesses formed in the cylindrical outer wall and each recess defining an opening; and a drive unit having a motor disposed within the housing and having projections matching a shape of said openings and projecting outwardly from said drive unit and through said openings, the projections engaging the openings to securely mount the drive unit within the housing.

Applicants repeat their position that the flat bottom surface of the container in McLean is not a cylindrical outer wall. The Final Office action states “A cylindrical outer wall may comprise a cylindrical side wall, a flat top wall, and a flat bottom wall. Therefore, a flat bottom wall could be part of a cylindrical outer wall.” Applicants respectfully disagree. The Examiner appears to be interpreting the term “cylindrical outer wall” more broadly as the entire housing which includes various walls, such as a side wall or bottom wall. This is incorrect because the claim already recites a housing and cylindrical outer wall is merely a part of that housing. The cylindrical outer wall is just the cylindrical outer wall, not the entire housing made up of additional walls. The other claims support this interpretation by reciting other walls besides the cylindrical outer wall. The Applicants have just chosen to call this element the cylindrical *outer* wall. If the Examiner prefers cylindrical *side* wall to define over the McClean reference, Applicants will gladly consider this change.

For these and other reasons, McClean does not disclose the subject matter defined by independent Claims 1 and 8. Therefore, Claims 1 and 8 is allowable. Claims 2-6 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Lapps discloses a wall of a housing (9) having ribs (11) extending inwardly from the wall of the housing (9). Lapps does not disclose “a housing having a cylindrical outer wall with at least two recesses formed in the cylindrical outer wall and each recess defining an opening.” The ribs (11) are not a cylindrical outer wall. The arguments above in relation to the McClean reference are also applicable to Lapps.

For these and other reasons, Lapps does not disclose the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-6 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Barradas discloses a food processor having a housing (12) with a motor switch (33) and a power switch (46). Barradas provides no indication the motor switch (33) or the power switch (46) project outward from the drive unit. Also, neither the motor switch (33) nor the power switch (46) engage the openings to securely mount the drive unit within the housing.

For these and other reasons, Barradas does not disclose the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-6 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Regarding Claim 2, Barradas does not disclose the motor switch (33) or the power switch (46) being oversized as compared to the given height for the openings. To the contrary, the switches (33, 36) must be smaller than the openings to permit the switches to be moved or actuated. Applicants have clarified Claim 2 to recite that the projections are oversized compared to the given height of the openings to provide an interference fit between the projections and the opening. The switches (33 and 46) of Barradas must be movable, which teaches away from the interference fit recited in Claim 2.

For these and other reasons, Barradas does not teach or suggest the subject matter defined by independent Claim 2.

New independent Claim 9 recites a motorized kitchen appliance, comprising: a housing having a first cylindrical outer wall with at least two recesses formed in the first cylindrical outer wall and each recess defining an opening; a second cylindrical outer wall extending around the exterior of the first cylindrical outer wall; and a drive unit having a motor disposed within the housing and having projections matching a shape of said openings and projecting outwardly from said drive unit and through said openings, the projections engaging the openings to securely mount the drive unit within the housing.

The prior art does not disclose a motorized kitchen appliance as recited in Claim 9. More specifically, the prior art does not disclose, among other things, a second cylindrical outer wall extending around the exterior of the first cylindrical outer wall.

Therefore, Applicants respectfully request allowance of independent Claim 9. Claim 10 depends from Claim 9 and should be allowed for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 1-6 and 8-10 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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